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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

INSPIRATION SOFTWARE, INC.)
)
) Opposer,)
)
) v.) Opposition No. _____
)
TEACHER INSPIRED PRACTICAL STUFF, INC.)
)
) Applicant.)
_____)

Attn: Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

Sir:

NOTICE OF OPPOSITION

In the matter of the application of Teacher Inspired Practical Stuff, Inc. ("Teacher Inspired Practical Stuff"), for registration of the trademark T.I.P.S. - TEACHER INSPIRED PRACTICAL STUFF, application Serial No. 76/541,630 published in the Official Gazette in Vol. 1286, No. 3, page 156 on September 21, 2004. Inspiration Software, Inc., a business having its principal place of business at 7412 S.W. Beaverton Hillsdale Hwy., Suite 102, Portland, Oregon 97225-2167 ("opposer"), believes that it will be damaged by registration of the mark shown in Serial No. 76/541,630 and hereby opposes registration.

02/02/2005 KGIBBONS 00000048 76541630

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600.00 DP



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The grounds for opposition are as follows:

1. Opposer is an Oregon corporation with its principal place of business at 7412 S.W. Beaverton Hillsdale Hwy., Suite 102, Portland, Oregon 97225-2167.

2. Opposer, through its predecessors and itself, has been engaged in the business of marketing computer programs in the field of idea development and offering computer education training and other goods/services, throughout the United States under the mark INSPIRATION. Opposer has used in interstate commerce the mark INSPIRATION for computer programs in the field of idea development and other goods since February 4, 1988 and has used in interstate commerce the mark INSPIRATION for computer education training and other services since August, 1991.

3. Opposer owns Reg. No. 1,768,514, registered on the Principal Register in the United States Patent and Trademark Office on May 4, 1993 for INSPIRATION for computer programs in the field of idea development through visual diagramming, outlining and text creation. Reg. No. 1,768,514 is valid and subsisting, and a copy of the registration is attached hereto as Exhibit 1.

4. Opposer owns Reg. No. 1,864,117, registered on the Principal Register in the United States Patent and Trademark Office on November 22, 1994 for INSPIRATION for computer education training. Reg. No. 1,864,117 is valid and subsisting, and a copy of the registration is attached hereto as Exhibit 2.

5. Opposer, since at least as early as February 4, 1988, has been, and is now using the mark INSPIRATION for the above goods. The use of opposer's mark has been valid and continuous since the date of first use, and has not been abandoned. Opposer's mark is symbolic of extensive good will and consumer recognition built up by opposer through substantial amounts of time and effort in advertising and promotion.

6. Notwithstanding opposer's rights in and to its INSPIRATION mark, applicant, on August 21, 2003 filed an application for registration of the mark T.I.P.S. - TEACHER INSPIRED PRACTICAL STUFF for the following goods/services: printed course materials, books, lesson plans, theme units and curriculum support materials, all featuring academic subjects, for the education of elementary school students, in International Class 16; and educational services, namely, providing learning centers featuring instruction in academic courses for elementary school students, in International Class 41. That application was given Serial No. 76/541,630 and published for opposition in the Official Gazette of September 21, 2004, page TM 156.

7. Applicant's mark T.I.P.S. - TEACHER INSPIRED PRACTICAL STUFF, when used in connection with the goods/services set forth in its application, is confusingly similar to opposer's use of its INSPIRATION mark, and registration of applicant's mark and continued use by it with its goods/services is likely to cause confusion, mistake and deception. Applicant's goods/services are related to the goods/services set forth in opposer's above registrations. Applicant's use of its mark interferes with opposer's use of its INSPIRATION mark, and continued use or registration of applicant's mark will seriously damage opposer.

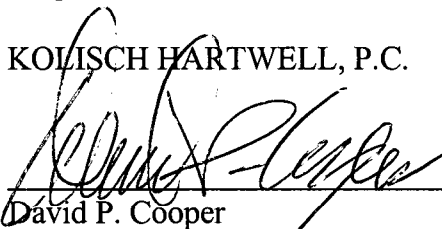
WHEREFORE, opposer believes that it will be damaged by registration of applicant's mark, and prays that registration be denied.

A duplicate copy of this Notice of Opposition and Exhibits 1-2 are enclosed. Also enclosed is our check in the amount of \$600.00 to cover the fee for the Notice of Opposition. Please charge our Deposit Account No. 11-1540 for any additional fees which may be required.

Dated: January 19, 2005.

Respectfully submitted,

KOLISCH HARTWELL, P.C.



David P. Cooper

Registration No. 33,372

PTO Customer No. 23581

Of Attorneys for Opposer

520 S.W. Yamhill Street, Suite 200

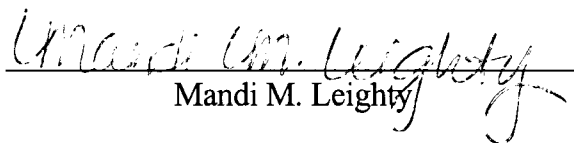
Portland, Oregon 97204

Telephone: (503) 224-6655

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Attn: Trademark Trial and Appeal Board, U.S. Patent and Trademark Office, P.O. Box 1451, Alexandria, VA 22313-1451 on January 19, 2005.



Mandi M. Leighty

Int. Cl.: 9

Prior U.S. Cl.: 38

United States Patent and Trademark Office

Reg. No. 1,768,514

Registered May 4, 1993

**TRADEMARK
PRINCIPAL REGISTER**

INSPIRATION

CERES SOFTWARE, INC. (OREGON CORPORATION)
2920 S.W. DOLPH COURT, SUITE 3
PORTLAND, OR 97219

VISUAL DIAGRAMING, OUTLINING AND
TEXT CREATION, IN CLASS 9 (U.S. CL. 38).
FIRST USE 2-4-1988; IN COMMERCE
2-4-1988.

FOR: COMPUTER PROGRAMS IN THE
FIELD OF IDEA DEVELOPMENT THROUGH

SER. NO. 74-311,686, FILED 9-8-1992.

DARREN COHEN, EXAMINING ATTORNEY

Int. Cls.: 41 and 42



Prior U.S. Cls.: 100, 101, and 107

United States Patent and Trademark Office

Reg. No. 1,864,117

Registered Nov. 22, 1994

**SERVICE MARK
PRINCIPAL REGISTER**

INSPIRATION

CERES SOFTWARE, INC. (OREGON CORPORATION)
2920 S.W. DOLPH COURT, SUITE 3
PORTLAND, OR 97219

FOR: COMPUTER EDUCATION TRAINING,
IN CLASS 41 (U.S. CL. 107).

FIRST USE 8-0-1991; IN COMMERCE
8-0-1991.

FOR: COMPUTER SOFTWARE DESIGN FOR
OTHERS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 8-0-1991; IN COMMERCE
8-0-1991.

SN 74-311,306, FILED 9-4-1992.

DARREN COHEN, EXAMINING ATTORNEY